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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,310	02/13/2001	Joseph Breeden	P 272852	7942
27160	7590	09/11/2007	EXAMINER	
PATENT ADMINISTRATOR			COLBERT, ELLA	
KATTEN MUCHIN ROSENMAN LLP			ART UNIT	PAPER NUMBER
1025 THOMAS JEFFERSON STREET, N.W.			3694	
EAST LOBBY: SUITE 700				
WASHINGTON, DC 20007-5201				
MAIL DATE		DELIVERY MODE		
09/11/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/781,310	BREEDEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ella Colbert	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 18 July 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 67,88-92 and 94-96 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 67,88-92 and 94-96 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 67, 88-92, and 94-96 are pending. Claims 67, 88-92 and 95 have been amended in this communication filed 7/18/07 entered as Amendment and RCE.
2. The amendment to the specification has been reviewed and approved.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on \*\*\* has been entered.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 67 and 88 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 6,078,903) Kealhofer.

As per Claim 67, Kealhofer discloses, A method of predicting the behavior of vintage loan accounts, the method comprising the steps of: (a) receiving vintage performance data of said past loan accounts (col. 3, lines 42-65). Kealhofer further discloses, Step (b) decomposing said vintage performance data of said loan accounts

by age component and a component not related to the age of the loan account, wherein steps (a) and (b) are performed by a processor (col. 4, lines 11-67) and Step (c ) forecasting the behavior of said vintage loan accounts based upon said age and said component not related to said age component (col. 5, lines 1-55).

With respect to claim 88, Kealhofer discloses, The method as recited in claim 67, wherein step (b) comprises decomposing said vintage performance data of said loan accounts by age component and one or more exogenous effects (col. 5, line 65- col. 6, 62).

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 89, 90-92, and 94-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,078,903) (US 6,078,903) Kealhofer in view of Official Notice.

With respect to claim 89, Kealhofer failed to disclose, The method as recited in claim 88, wherein step (b) comprises decomposing said vintage performance data of loan accounts by an age component and seasonal effects. Official Notice is taken that it is considered well known that for example, more people are unemployed in the winter as opposed to the summer because people who work in construction work do not usually work during the winter.

With respect to claim 90, Kealhofer discloses, The method as recited in claim 88, wherein step (b) comprises decomposing said vintage performance data of said loan accounts by an age component management actions (col. 8, lines 13-65).

With respect to claim 91, Kealhofer discloses, The method as recited in claim 88, wherein step (b) comprises decomposing said vintage performance data of said loan accounts by an age component and competitive influences (col. 9, lines 1-14).

With respect to claim 92, Kealhofer discloses, The method as recited in claim 88, wherein step (b) comprises decomposing said vintage performance data of said loan accounts by an age component and marketing campaigns (col. 10, line 16-col. 11, line 8).

With respect to claim 94, Kealhofer discloses, The method as recited in claim 88, wherein step (b) comprises decomposing said vintage performance data of said loan accounts by age component and economic conditions (col. 11, line 14-27).

With respect to claim 95, Kealhofer discloses, The method as recited in claim 88, wherein step (b) comprises decomposing said vintage performance data of said loan accounts by an age component and management history (col. 5, lines 9-col. 6, line 39).

With respect to claim 96, Kealhofer failed to disclose, The method as recited in claim 88, step (c ) includes the step of determining the demographic characteristics of said past loan accounts in order to predict the future performance of said vintage loan accounts. Official Notice is taken that it is old and well known to determine the demographic characteristics of past loan accounts in order to predict the future performance of vintage loan accounts. It would have been obvious to one having

ordinary skill in the art at the time the invention was made to determine the demographic characteristics of past loan accounts and predict the future performance of vintage loans accounts because depending on the region of the country the past loan accounts may go into default or they may perform well and the economic influences.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Traub et al (US 6,058,377) discloses a monte carlo technique for estimating value at risk in portfolio structuring.

**Inquiries**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 4, 2007



ELLA COLBERT  
PRIMARY EXAMINER